

OFFICIAL COPY

Fresno, California

January 10, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
 Hilda Cantu Montoy, City Attorney
 James Sanchez, Chief Assistant City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Doyle Morrison of the First Baptist Church gave the invocation, and President Dages led the Pledge of Allegiance.

SELECTION OF COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT:

President Dages noted the rotation process for Council President and Acting President was in effect and a ceremonial vote was necessary to select Councilmembers Duncan and Perea as President and Acting President.

On motion of Councilmember Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, Councilmember Duncan selected Council President, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, Councilmember Perea selected as Acting Council President, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

President Duncan thanked Councilmember Dages for his job as Council President and on behalf of the City Council presented Councilmember Dages with a plaque.

SELECTION OF REDEVELOPMENT AGENCY CHAIR AND ACTING CHAIR:

Outgoing Chair Boyajian thanked Councilmember Sterling and Vice Chair Westerlund for their leadership.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, Councilmember Sterling selected as Redevelopment Agency Chair, by the following vote:

Ayes	:	Boyajian, Dages,, Perea, Sterling, Westerlund, Duncan
Noes	:	Calhoun
Absent	:	None

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, Councilmember Boyajian selected as Redevelopment Agency Acting Chair, by the following vote:

Ayes : Boyajian, Sterling, Westerlund, Duncan
 Noes : Calhoun, Dages, Perea
 Absent : None

President Duncan thanked Councilmember Boyajian for all he did as Agency Chair, and Councilmember Boyajian extended his thanks to President Duncan stating Councilmember Duncan started a lot of what was happening during his tenure as Chair.

PRESENTATION OF SPCA PET OF THE MONTH - PRESIDENT DUNCAN

The pet of the month available for adoption, a 5 month old male orange Tabby, was presented.

APPROVE MINUTES OF DECEMBER 20, 2005:

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of December 20, 2005, approved as submitted.

Councilmember Calhoun recognized City Council staff member Pete Munoz who just returned from Iraq and invited Council and staff to a cake reception at noon in the City Council conference room to honor and welcome Pete home.

COUNCIL MEMBER REPORTS AND COMMENTS:

(1) ANNOUNCEMENT OF DISTRICT 4 MEETING ON JANUARY 12TH AT HOLLAND ELEMENTARY SCHOOL; (2) RAIN AND FLOODING OVER THE NEW YEAR'S WEEKEND AND COMMENDATION TO CITY STAFF FOR ALL THEIR WORK/EFFORTS; and (3) DUNMORE DEVELOPMENT PROJECT IN DISTRICT 4 AND REQUEST MADE TO FRESNO COUNTY FOR A FOUR-WAY STOP SIGN - COUNCILMEMBER WESTERLUND

Announcement/commendation/request made.

GROUNDBREAKING EVENT FOR THE 5TH APPELLATE COURT AND COMMENDATION TO COUNCIL, THE REDEVELOPMENT AGENCY, AND THE GENERAL SERVICES ADMINISTRATION FOR THEIR WORK AND COLLABORATION - COUNCILMEMBER BOYAJIAN

Commendation made.

REQUEST TIME CHANGE FOR THE JANUARY 31ST COUNCIL HEARING ON THE DAVID PAYNTER PLAN AMENDMENT/REZONE APPLICATION AT HERNDON AND BRAWLEY AVENUES - COUNCILMEMBER CALHOUN

At the request of Councilmember Calhoun and with Council consensus, the hearing time was changed from 2:30 p.m. to 5:00 p.m. for the benefit of concerned citizens and brief discussion ensued on noticing.

CITY'S VAGRANT PROBLEM, SPECIFICALLY ON BLACKSTONE AVENUE AND IN THE DOWNTOWN AREA - COUNCILMEMBER CALHOUN

Councilmember Calhoun acknowledged the problem was a low priority for the police department but expressed his concern stating there seemed to be more vagrants and some people were bothered and intimidated by them, and relative to panhandlers agreed with President Duncan in his Letter to the Editor that people should not be giving them money. Councilmember Sterling stated she discussed this matter with the police department and the department would be addressing the issue.

CITY COUNCIL CHAMBER AND MEETING CHANGES - PRESIDENT DUNCAN

President Duncan advised he would be calling for more electronic votes rather than roll call votes and explained; noted the slides on the overhead screen with information to those attending meeting would run throughout the meeting to hopefully make meetings run smoother; and advised "General Administration" items would be set at a time certain so that staff does not have to sit through Council meetings waiting for their items to be heard. Brief discussion ensued in support.

APPROVE AGENDA:

(2-D) CONSIDER APPROVAL OF CONTRACT CHANGE ORDER NO. 5 FOR THE "NO NEIGHBORHOOD LEFT BEHIND" (NNLB) PLAN AND CONSTRUCT NEIGHBORHOOD INFRASTRUCTURE CONTRACT 2

City Clerk Klisch advised a request was received to hear the matter at a time certain and by Council consensus the matter was set for 4:30 p.m. At the end of the meeting the matter was tabled to January 24th.

(2-B) ANNUAL REVIEW AND ACCEPTANCE OF THE FISCAL YEAR 2005 IMPACT FEE ANNUAL REPORT

- and -

(1-D) APPROVE ACQUISITION OF STREET EASEMENTS AT BELMONT AND CLOVIS, CLOVIS AND OLIVE, AND 210 S. CLOVIS AVENUE

City Clerk Klisch noted a page was submitted to be inserted in the Impact Fee Report, and a corrected Exhibit page was submitted for item 1-D.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, **RESOLVED**, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to Council approval of Consent Calendar items without separate discussion.

Councilmember Sterling pulled Item **1-N**, Councilmember Calhoun pulled Items **1-B** and **1-M**, Acting President Perea pulled Item **1-P**, and Councilmember Westerlund pulled Item **1-H** from the Consent Calendar for discussion/action at 2:00 p.m.

(1-A) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$126,647.38 TO PROFORCE LAW ENFORCEMENT FOR BERETTA HANDGUNS TO BE USED BY THE POLICE DEPARTMENT

(1-C) PROJECT SAFE NEIGHBORHOODS VIOLENT CRIME IMPACT TEAM (PSN/VCIT) PROGRAM

1. RESOLUTION NO. 2006-1 - AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$50,000 AND EXECUTION OF PROGRAM DOCUMENTS

2. RESOLUTION NO. 2006-2 - 49TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$50,000 TO FUND OVERTIME GANG ENFORCEMENT OPERATIONS FOR THE PROGRAM

(1-D) APPROVE THE ACQUISITION OF AN EASEMENT FROM APN 313-091-22S/27 OWNED BY PAUL C. AND SUSAN LUCICH FOR THE PRICE OF \$95,000; AN EASEMENT FROM APN 455-233-17S OWNED BY AMARJIT S. KANG AND AMARPREET K. KANG FOR THE PRICE OF \$15,230; AND AN EASEMENT FROM APN 463-030-71 OWNED BY BASROCK VILLAGE GREEN CALIFORNIA LLC VALUED AT \$500; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITIONS

(1-E) RESOLUTION NO. 2006-3 - APPROVE THE FINAL MAP OF TRACT NO. 5368 LOCATED ON THE NORTHEAST CORNER OF N. POLK AND THE W. INDIANAPOLIS AVENUE ALIGNMENT SOUTH OF THE W. GETTYSBURG AVENUE ALIGNMENT, AND ACCEPTING DEDICATED PUBLIC USES THERE

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR CFD-11 MAINTENANCE

2. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1-F) RESOLUTION NO. 2006-4 - INTENT TO ANNEX FINAL TRACT 5517 TO CFD NO. 2 AND SETTING THE REQUIRED PUBLIC HEARING FOR FEBRUARY 14, 2006

(1-G) APPROVE REAPPOINTMENTS OF REV. EDWARD SWILLIS TO THE ECONOMIC OPPORTUNITIES COMMISSION (EOC) AND WILLIAM WILDER TO THE CONSOLIDATED MOSQUITO ABATEMENT DISTRICT - MAYOR AUTRY

(1-I) AWARD A REQUIREMENTS CONTRACT FOR A PERIOD OF ONE YEAR IN THE AMOUNT OF \$54,300 TO GROVER LANDSCAPE SERVICES INC. FOR LANDSCAPE MAINTENANCE AT THE REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

(1-J) RESOLUTION NO. 2006-5 - 51ST AMENDMENT TO AAR 2005-286 APPROPRIATING \$3,534,900 FOR VARIOUS PREVIOUSLY APPROVED FIRE DEPARTMENT CAPITAL PROJECTS

(1-K) RESOLUTION NO. 2006-6 - 52ND AMENDMENT TO AAR 2005-286 RECLASSIFYING REVENUES AND EXPENDITURES (\$244,000) OF THE METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) CONTRACT TO A SPECIAL REVENUE FUND

(1-L) AUTHORIZE THE FIRE DEPARTMENT TO PURCHASE THREE COMPACT TRUCKS FOR STAFF OF THE HYDRANT INSPECTION AND MAINTENANCE PROGRAM AND FINANCE THEM THROUGH THE CITY'S MASTER LEASE PURCHASE AGREEMENT

(1-O) RESOLUTION NO. 2006-7- INTENT TO ANNEX FINAL MAP OF TRACT NO. 5356 TO CFD NO. 2, ANNEXATION NO. 111, AND SETTING THE REQUIRED PUBIC HEARING FOR FEBRUARY 14, 2006

(1-Q) RESOLUTION NO. 2006-8 - 54TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$30,000 TO THE FIRE DEPARTMENT TO PURCHASE FURNITURE FOR VARIOUS FIRE STATIONS

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

(9:00 A.M.) PUBLIC COMMENT PERIOD

("A") SCHEDULED COMMUNICATION:

APPEARANCE BY WILLIAM R. MILTON REQUESTING INFORMATION REGARDING THE SAFETY OF THE PUBLIC AND FIREFIGHTERS

147-4

1/10/06

Appearance made; no action taken.

("B") UNSCHEDULED COMMUNICATION:

APPEARANCE BY EDWARD ECHOLS, 310 N. FULTON, EXPRESSING CONCERN WITH A DANGEROUS TREE IN FRONT OF HIS HOME AND REQUESTING THE CITY TRIM THE TREE

Appearance made with Councilmember Sterling responding and advising the matter would be addressed.

APPEARANCE BY FRANZ WEINSCHENK, 4515 E. PICO, REQUESTING FRESNO JOIN THE U.S. MAYOR'S CLIMATE PROTECTION PLAN

Appearance made with Councilmembers Westerlund and Calhoun responding in support. Vice President Perea made a formal request to the city manager to review the plan and determine if the City can join **(2 - 0)**, and City Manager Souza stated he would look into the matter and report back.

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING **(1)** POLLUTION CONCERNS, **(2)** THE GOOD JOB BEING DONE BY THE POLICE DEPARTMENT IN SOUTHWEST FRESNO, AND **(3)** WEST FRESNO SCHOOL DISTRICT ISSUES AND CONCERNS

Appearance made; no action taken.

(2-A) RESOLUTION NO. 2006-9 - RESCINDING RES. 2005-522 AND RE-APPROVING THE ISSUANCE OF REVENUE REFUNDING BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$120 MILLION TO BENEFIT AMERICAN BAPTIST HOMES OF THE WEST (SAN JOAQUIN GARDENS)

Interim Finance Director/City Controller Bradley reviewed the issue as contained in the staff report as submitted, clarified this was a housekeeping matter and there were no substantive changes, and recommended the resolution be adopted. City Attorney Montoy, Ms. Bradley and City Manager Souza responded to questions/comments of Councilmember Calhoun and/or clarified issues relative to the draft and final resolutions, the changes, concern with staff asking Council to "trust us" without knowing what occurred since the prior resolution was adopted, and if the city manager was comfortable with the issue.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-9 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

(9:30 A.M.) CONSIDER APPROVAL OF AN AGREEMENT WITH H&R BLOCK FOR AN OUTREACH PROGRAM TO ASSIST LOW AND MODERATE INCOME RESIDENTS WITH TAX FORM PREPARATION - ACTING PRESIDENT PEREA

Acting President Perea stated millions of dollars are lost valley-wide because a lot of low income residents are unaware of tax credits available to them, advised he contacted and came to an agreement with H & R Block to promote the Earned Income Tax Credit and provide tax preparation services to low income residents throughout the city, and stated in order for H & R Block to use the City of Fresno logo Council approval was necessary and made a motion to approve the agreement clarifying he would be using his infrastructure funds and there would be no cost to the City. The motion was seconded by Councilmember Sterling and later acted upon.

Barbara Hunt, 2475 S. Walnut, spoke to the need to offer the service city-wide.

147-5

1/10/06

Councilmember Westerlund noted some organizations offer this service for free and upon his question Acting President Perea and City Attorney Montoy confirmed the City obligation in the agreement was capped at \$5,000. Councilmember Sterling spoke in support, stated she would like to establish a satellite office in her district (downtown) like the Manchester office for the convenience of low income citizens, and stated she would like to participate and include her district name in the letterhead if this does not pass. Councilmember Boyajian stated this should be funded with CDBG funds and explained, and upon his question Ms. Montoy stated there was no legal issue involved. Upon further question Ms. Montoy suggested the agreement be approved this date and her office would amend the City contribution amount should Councilmember Sterling participate. President Duncan commended Acting President Perea for bringing this forward stating this would benefit, and was critical to, a lot of families.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, an agreement with H&R Block for an outreach program to assist low and moderate income residents with tax form preparation hereby approved, with the funding amount to be determined, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

- - - -

(2-B) ANNUAL REVIEW AND ACCEPTANCE OF THE FISCAL YEAR 2005 IMPACT FEE ANNUAL REPORT AS REQUIRED BY THE CALIFORNIA GOVERNMENT CODE

Public Works Director Healey gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

President Duncan stated although this was a good report he would be voting "no" as he had real concerns about what happened with traffic signal fees that were collected over the years in his district, and stated the area had significant traffic congestion, the money was now gone, information was not provided to him accurately; and the people of northeast Fresno who paid hundreds of thousands of dollars over the years would not see traffic signals in their neighborhoods as promised. Councilmember Westerlund requested staff provide him with last year's report for comparison purposes.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the 2005 Impact Fee Annual Report hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
 Noes : Duncan
 Absent : None

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(2-C) ADOPT A SIDE LETTER OF AGREEMENT WITH THE AMALGAMATED TRANSIT UNION, LOCAL 1027 (BUS DRIVERS - UNIT 6), REGARDING CERTAIN HANDY RIDE PROGRAM DRIVERS

Personnel Services Director Bond reviewed the issue, all as contained in the staff report as submitted, stating this would allow the City to hire drivers that MV Transportation does not retain.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Ms. Bond and City Attorney Montoy responded to questions and/or concerns of Councilmembers Calhoun and Westerlund relative to the process for the two hiring lists, if people on the City's list would be bumped, if there were Laidlaw employees who were never city employees, if Laidlaw employees would be given preference over outside people currently on the list, if some people would be moved down lower on the list, and concern that employees who never worked for the city would be coming over and MV would be keeping the best employees.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the Side Letter Agreement calling for the hire of certain Handy Ride Program drivers hereby adopted, by the following vote:

147-6

1/10/06

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
 Noes : Westerlund
 Absent : None

(3-A) REQUEST TO STAFF TO PROVIDE A RECOMMENDATION FOR A HEALTH-RELATED SMOKING CESSATION POLICY - COUNCILMEMBER CALHOUN

Councilmember Calhoun read his memo as submitted to Council into the record, made a motion that staff return with a report no later than May 1st on whether a smoking cessation policy would create a more healthy environment for employees and if it would reduce health care costs, and clarified the issue he was raising was that smoking results in a cost to employees and to the taxpayer and this was not a criticism of smokers and further elaborated. The motion was seconded and later acted upon.

Barbara Hunt, 2475 S. Walnut, spoke in opposition stating smoking was legal and a right.

Upon question of Councilmember Sterling, Councilmember Calhoun stated he would leave it up to staff to look into the issue, do the detail work, and provide a recommendation. President Duncan stated it was good anytime Council can look at issues to improve the health of employees but he had concerns and questioned how far a government should go to "protect" its employees, stated smoking was an individual right and there were plenty of programs available to people who wanted to stop, added he also believed there was an issue here of collective bargaining, and clarified his biggest concern was with the tone of this being mandatory and that if someone did not participate in the smoking program it would cost them extra money **(3 - 0)**. Councilmember Boyajian stated it was his understanding Councilmember Calhoun wanted staff to look at the exact issues President Duncan was concerned about and he saw this as a preliminary stage.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, staff requested to return with a report and recommendation no later than May 1st on a health-related smoking cessation policy including whether a such a policy would create a more healthy environment for employees and if it would reduce health care costs, by the following vote:

Ayes : Boyajian, Dages, Calhoun, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

President Duncan advised he changed his vote based on Councilmember Boyajian's comments.

(10:00 A.M.) CONTINUED HEARING ON THE VACATION OF A PORTION OF WEST AVENUE NORTH OF HERNDON AVENUE - R.I. 1048-D

1. RESOLUTION NO. 2006-10 - ORDERING THE VACATION OF THE ABOVE

President Duncan announced the time had arrived to consider the issue and opened the hearing. Assistant Engineering Services Manager Witzel gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, questioned if this was legal, if the area was in the sphere of influence, and if the county had any input.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Calhoun stated this was routine and he would support the vacation even though he was not enamored of the project.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled Resolution No. 2006-10 hereby adopted, by the following vote:

Ayes : Boyajian, Dages, Calhoun, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

147-7

1/10/06

(10:10 A.M.) CONTINUED HEARING ON CFD NO. 2/ANNEXATION NO. 105, TRACT 5414

1. RESOLUTION NO. 2006-11 - ESTABLISH CFD NO. 2/ANNEXATION 105 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2006-12 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2006-13 - DECLARING ELECTION RESULTS

4. BILL NO. B-1 - ORDINANCE NO. 2006-1 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Duncan announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-11, 2006-12 and 2006-13 hereby adopted, and the above entitled Bill No. B-1 adopted as Ordinance No. 2006-1, by the following vote:

Ayes : Boyajian, Dages, Calhoun, Perea, Sterling, Westerlund, Duncan
 None : None
 Absent : None

RECESS - 10:14 A.M. - 10:22 A.M.

(10:15 A.M.) DISCUSSION AND APPROVAL OF OUTLINED RECOMMENDATION REGARDING THE UTILIZATION OF FIRE SPRINKLERS

Chief Bruegman gave an in-depth overview of the issue, all as contained in the staff report as submitted, and recommended Council approve Option 3 which calls for a single sprinkler head or State Fire Marshal (SFM) listed wet chemical extinguishing system installed in the kitchen area in all new occupancies.

Speaking to the issue were: Mike Prandini of the Building Industry Association (BIA) and their expert witnesses Registered Professional Fire Protection Engineer Michael Slifka, 3221 Conservancy Lane, Middleton, Wisconsin, and Bob Raymer, Technical Director and Staff Engineer with the California Building Industry Association, 1215 "K" Street, Sacramento, CA, opposed to staff's findings/position/recommendation; William Milton, support for staff recommendation; Barbara Hunt, 2475 S. Walnut, opposed (**4 - 0**); Richard Sever, 7074 W. Tenaya, President of MS Fire Protection Company, support; Janet Ryan, 6422 N. Flora, former Public Safety Commissioner/Fire & Finance Sub-committee member, support; John Hutson, 3688 N. Delno, support; and Bob Jennings, 1580 E. Richmond, former Public Safety Commissioner, support.

Extensive discussion ensued. Mr. Raymer, Chief Bruegman, City Attorney Montoy and Mr. Slifka responded to numerous questions/comments of Councilmembers Dages relative to fire calls/statistics, difficulty in supporting sprinklers just in kitchens, grease fires, impact on the poor in terms of purchasing homes, if there were plans to offset the cost to the consumer, fire loss statistics, and need/support for sprinklers in apartments/group homes; of Councilmember Sterling relative to Fresno's population in 20 years and number of firefighters that will be needed, decrease in fire department staff over the years, support for additional staff, concern with high unemployment rate/new fees added to homes, concern with mandatory systems, support for choice versus mandatory, grants/programs to provide smoke detectors/fire extinguishers, and concern for low income residents; of Councilmember Boyajian relative to support for full sprinkler systems (Option 1), staff's position on the expert's testimony, (**5 - 0**) if there were legal issues involved with compromising, low income people not the ones purchasing new homes but being taxed if additional firefighters are added, and this being a safety issue and worth the cost if one life is saved; of Acting President Perea relative to this being a public safety issue, the decrease in fire department staff being very telling, and support for moving towards one firefighter per 1,000 people; of Councilmember Westerlund relative to

whether the national trend was moving towards full sprinklers, fires and when sprinklers activate, Scottsdale, AZ model/statistics/per capita loss, and sprinklers decreasing temperatures and support for sprinklers in kitchens; and of President Duncan relative to other types of fires in kitchens besides grease fires, if Scottsdale's home insurance rates dropped due to their full sprinklers, if full sprinklers would result in a drop in insurance rates here, inspections/ how functionality would be determined, aesthetics, this being a safety issue/about saving lives/a good compromise/a good first step, and need/support for mandatory sprinklers.

147-8

1/10/06

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, Option 3 as recommended by staff hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Westerlund, Duncan
 Noes : Dages, Perea, Sterling
 Absent : None

LUNCH RECESS - 12:17 P.M. - 2:00 P.M.

(10:45 A.M.) HEARING TO CONSIDER UPDATING WATER FEES FOR THE UGM 501S AREA AND MAKING NECESSARY FINDINGS TO IMPOSE FEE UPDATE ON APPROVED DEVELOPMENT ENTITLEMENTS INCLUDING VESTING TENTATIVE MAPS

- 1. RESOLUTION NO. 2006-14 - ESTABLISHING FINDINGS PURSUANT TO THE CALIFORNIA PUBLIC RESOURCES CODE AND CEQA GUIDELINES REGARDING STATUTORY EXEMPTION FOR FEE UPDATE**
- 2. RESOLUTION NO. 2006-15 - 438TH AMENDMENT TO THE MFS RES. 80-420 REVISING RELATED UGM 501S WATER SERVICE AREA FEES UNDER THE PUBLIC UTILITIES SECTION**
- 3. RESOLUTION NO. 2006-16 - ESTABLISHING FINDINGS PURSUANT TO THE CALIFORNIA GOVERNMENT CODE**

President Duncan announced the time had arrived to consider the issue and opened the hearing. Assistant Public Utilities Director Martin reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Mike Prandini, Executive Officer of the Building Industry Association, spoke in support of staff's recommendation.

Upon call, no one else wished to be heard and President Duncan closed the public hearing.

Councilmember Calhoun stated there was no question the updated fees were needed, noted the general plan was approved three years and there was a loan already from the Water Enterprise Fund, and expressed his concern and presented questions/comments relative to why the fee update was not brought forth as soon as the general plan was adopted, when the borrowing first occurred, why Council was not told about the loan, if only new development would be paying the updated fees, if Fancher Creek would pay the updated fees, why developers were drilling dry holes, what the loan amount was, this being a legal issue, perception that staff is hiding something from Council, and how this fit into the Surface Water Treatment Plant, with Mr. Martin and City Attorney Montoy responding throughout. Councilmember Calhoun stated he was uncomfortable with this and made a motion to table the matter for one month to allow staff to report back in a broader context including the loan and what was occurring in the southeast area. Upon call, the motion died for lack of a second. Councilmember Calhoun stated there was a troubling development here and he would oppose it this.

Councilmember Westerlund stated problems in the southeast were clear and a workshop needed to be held in the future on how the city is going to sustain growth in that area. Public Utilities Director Weimiller agreed to a workshop and stated both water and sewer would be discussed, and added Councilmember Calhoun raised a legitimate concern, he did not want to leave the perception of something shaky going on, and clarified staff talked about this matter during last year's budget presentation and added the use of the word "Loan" was an unfortunate term and explained **(6 - 0)**. Relative to the workshop Councilmember Westerlund requested staff invite the Fresno Metropolitan Flood Control District, the Fresno Irrigation District and Bakman Water to participate. Councilmember Boyajian stated he wanted to see another workshop conducted on streets and sidewalks, piecemeal growth was occurring all the time, and the issue of how to pay should have been looked at when the general plan was approved. Councilmember Calhoun requested the city attorney look into the matter noting the staff report referenced a loan from the Water Enterprise Fund, and added too many things were happening at the staff level and not at the policy level. Mr. Weimiller and City Manager Souza explained the situation with the \$860,000, how the process works, what staff brought before Council, how staff and the city manager do not have the authority to singly enter into contracts in that dollar amount, and how these projects are part of normal water division operations specifically related to growth and able to be reimbursed from these fees. President Duncan complimented staff on a great job.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-14, 2006-15 and 2006-16 hereby adopted, by the following vote:

147-9

1/10/06

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : Calhoun
 Absent : None

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-B) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A REVISED MEMORANDUM OF UNDERSTANDING (MOU) WITH WELLNESS SOLUTIONS, INC., A HEALTH PROMOTION COMPANY, REGARDING A FITNESS PROGRAM FOR THE POLICE DEPARTMENT

Upon the request of Councilmember Calhoun Chief Dyer explained issues relative to the "revised" agreement, the increased cost, and the benefits of the program, with Councilmember Calhoun clarifying there had been no substantial changes in the MOU process.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the Chief of Police authorized to enter into a revised agreement with Wellness Solutions, Inc., for the purpose of continuing a health fitness program for the Police Department, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-H) RESOLUTION NO. 2006-17 - GRANTING AN EXTENSION OF THE NON-EXCLUSIVE CABLE TELEVISION FRANCHISE HELD BY COMCAST OF FRESNO, INC.

President Duncan recused himself from the proceedings due to a family trust with extensive Comcast stock holdings and left the meeting at 2:39 p.m. Chief Information Officer Hendricks responded to questions of Councilmember Westerlund relative to perception of this being a long, drawn out process, why an extension was necessary, and when an agreement was anticipated. A motion and second was made to approve staff's recommendation. Mr. Hendricks responded to questions of Councilmember Boyajian relative to how some cities got to the point of having more than one cable company, why Fresno was going with just Comcast, and negotiations and if fees would stay the same.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2006-17 granting an extension of the non-exclusive cable television franchise held by Comcast of Fresno, Inc., on a month to month basis through December 31, 2006, allowing staff to continue the Cable Franchise renewal negotiations process hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
 Noes : None
 Absent : None
 Recused : Duncan

President Duncan returned to the meeting at 2:47 p.m.

(1-M) RESOLUTION NO. 2006-18 - 437TH AMENDMENT TO MFS RES. 80-420 REVISING THE GREEN FEES AT RIVERSIDE MUNICIPAL GOLF COURSE

Councilmember Calhoun spoke to the issue at length, expressed his concern with the mayor not raising or wanting to raise fees

for juniors and seniors, and stated there was a fairness issue here and questioned if this was a time sensitive issue, if action could be delayed to get rate comparisons, and why rates were being raised at this time and not during budget, with Parks & Recreation Director Cooper and City Attorney Montoy responding. Councilmember Calhoun made a motion to approve the resolution with the CPI increase for juniors, seniors and adults, and upon call the motion died for lack of a second. Councilmember Boyajian stated it appeared CourseCo wanted to increase fees for juniors and seniors and questioned if the resolution could be adopted as presented and staff report back in one month on comparable rates and what rates CourseCo feels it could live with. Ms. Montoy clarified CourseCo was willing to go with staff's proposal at this time and then raise junior/senior rates next year.

147-10

1/10/06

Alex Correa spoke in support of staff's recommendation.

Councilmember Sterling thanked staff for keeping the rates low and considering juniors and seniors and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Westerlund. Councilmember Calhoun stated it needed to be made clear that P & R was operating under the mayor's approach, there had been no increase for five years now and he was certain the mayor would not propose increases next year and that would continue for another eight years, emphasized the burden had to be carried by the broad middle who was subsidizing others at 50%, and stated the general public would not be happy if they really understood what Council was doing. City Manager Souza stated this did not affect the general public, anyone who walks up to Riverside makes a conscious decision whether or not they want to play at the rates posted, and people walking away because rates were disproportionate was not the case. President Duncan stated this was a good policy call for the city of Fresno.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-18 hereby adopted, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : Calhoun
 Absent : None

(1-N) RESOLUTION NO. 2006-19 - 17th AMENDMENT TO PAR 2005-287 CONVERTING FIVE (5) VACANT PERMANENT/INTERMITTENT POSITIONS TO THREE (3) FULL-TIME POSITIONS THAT WILL BE USED BY PARKS & RECREATION FOR EXPANDED SENIOR PROGRAMMING, NATIONAL ACCREDITATION EFFORTS, GRANT MANAGEMENT PROJECT MANAGEMENT SUPPORT FOR THE NEW PARK IMPACT FEES, AND ADDITIONAL ANALYTICAL SUPPORT RELATED TO ALL DEPARTMENT PROGRAM AREAS

Parks & Recreation Director Cooper responded to questions of Councilmember Sterling relative to whether any employees were being eliminated, why existing staff were not being utilized for the positions **(7 - 0)**, why CDBG funds were being used, if positions would be added as the number of parks increase, and if any of these positions would help with Roeding Park accreditation. A motion and second was made to approve.

Alex Correa, representing FCEA, spoke in opposition to adding another supervisor position and explained and requested the director be asked to fill the supervisor position with an existing employee.

Mr. Cooper responded to Mr. Correa's comments and to questions of Acting President Perea relative to what the duties were of a recreation leader, what the supervisor/employee ratio was, if hours were being increased for existing employees, and if permanent-intermittent (PI) employees were asking for more hours, and the Senior Programs. Relative to Mr. Correa's comments, City Manager Souza clarified existing city employees had the opportunity to apply and compete for vacant positions. Councilmember Sterling urged staff and Mr. Correa to look at qualified in-house employees and keep the line of communication open. President Duncan stated it was time to start converting some of the employees who have been holding part-time/temporary positions for years and years.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-19 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-P) APPROVE AN AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC., TO REPRESENT THE CITY AND PROVIDE

STATE LOBBYING AND ADVOCACY SERVICES IN SACRAMENTO

Management Analyst Zieba responded to questions/comments of Acting President Perea relative to the firm, who their clients were, if they worked both sides/were down the middle politically, and need for internal discussion on precedence and process in terms of what/who the lobbyist will lobby for. A motion and second was made to approve the agreement. Mr. Zieba responded to questions of Councilmember Boyajian relative to what other cities the firm represented, if the Lehman firm responded to the RFP, the selection process and criteria/why this firm was selected, and how the selection committee was formed/appointed. President Duncan, speaking as a committee member, assured Councilmember Boyajian the sole criteria in selecting a firm was who would be the most effective at getting legislation and getting things passed for the city.

147-11

1/10/06

On motion of Acting President Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, an agreement with Townsend Public Affairs, Inc., to provide lobbying and advocacy services in Sacramento hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

- - - -

(3:00 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 3:33 p.m. and convened in joint session with the Redevelopment Agency.

("C") REQUEST FOR UPDATE ON THE STATUS OF THE CHINATOWN PROJECT - COUNCILMEMBER DAGES

Laid over to the next joint meeting at the direction of Councilmember Dages.

Chair Sterling thanked Councilmembers Boyajian and Westerlund for their work and leadership this past year as Chair and Vice Chair.

APPROVE AGENCY MINUTES OF DECEMBER 6, 2005

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the Agency minutes of December 6, 2005, approved as submitted.

("A") HEARING TO CONSIDER AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE PURCHASE AND SALES AGREEMENT FOR THE PURCHASE OF PROPERTY AT THE NORTHEAST CORNER OF CHESTNUT AND SHIELDS AVENUES FOR ADDITION TO THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

1. JOINT RESOLUTION NO. 2006-20/1669 - APPROVING A PURCHASE AND SALES AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND BLUE CANARY, INC., TRANSFERRING TITLE TO THE PROPERTY TO THE CITY, AND MAKING CERTAIN FINDINGS

Chair Sterling announced the time had arrived to consider the issue and opened the hearing. Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted.

Upon call, no one wished to be heard and Chair Sterling closed the hearing.

Councilmember Westerlund stated this property had been identified as having real potential and was a viable option for economic development activities near the airport and made a motion to approve staff's recommendation.

Airports Director Widmar stated this was a wonderful acquisition and advised staff was currently talking with people about some good projects that would fit nicely on the property and encouraged Council's support. Vice Chair Boyajian thanked Mr. Widmar, past Vice Chair Westerlund, and staff for their leadership.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the Executive Director authorized to execute the Purchase and Sales Agreement for the purchase of 2.52 acres of vacant land located at Chestnut and Shields for addition to the Fresno-Yosemite International Airport, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
 Noes : None
 Absent : None

("B") APPROVE A PURCHASE AND SALES AGREEMENT FOR VACANT PROPERTIES (APNs 468-234-13 & 23) OWNED BY BRADLEY V. BARISIC, BARRINGTON J. BARISIC; FRANK M. VOORHEES AND MARGARET I. VOORHEES, AS TRUSTEES; AND CHARLES EUGENE VOORHEES AND NAOMI RUTH ALLEN VOORHEES, AS TRUSTEES, WITHIN THE SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT AREA

147-12

1/10/06

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval. Chair Sterling added this was a great opportunity in moving forward with the Forest City and Armenian Town projects and made a motion to approve staff's recommendation.

On motion of Chair Sterling, seconded by President Duncan, duly carried, RESOLVED, the Executive Director authorized to enter into a Purchase and Sales Agreement for the willing-seller/purchase of APNs 468-234-13 and 23, and to take the necessary actions to close escrow, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
 Noes : None
 Absent : None

("D") KINGS CANYON BOULEVARD STREET LIGHT IMPROVEMENTS FROM MAPLE TO WILLOW AVENUES

1. JOINT RESOLUTION NO. 2006-21/1670 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE INSTALLATION OF PUBLIC IMPROVEMENTS WITHIN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA

2. AWARD A CONTRACT TO CROWN CONTRACTING COMPANY, INC. FOR THE KINGS CANYON, MAPLE TO WILLOW STREET LIGHT PROJECT

Executive Director Murphey reviewed the issue and findings to be made, all as contained in the staff report as submitted, and recommended approval. Councilmember Dages stated this was the last leg of the stretch to complete Kings Canyon and have under-ground utilities, and stated this would be an enhancement for southeast Fresno, thanked the Redevelopment Agency for being persistent on this project, and made a motion to approve staff's recommendation, which motion was seconded by President Duncan.

Councilmember Calhoun stated the work along Ventura and Kings Canyon was such an improvement and spoke to the need to do something similar on lower Blackstone Avenue stating it had its share of blight and problems but had great potential as a city entrance/exit point. Ms. Murphey advised Blackstone was on the list as a priority along with a number of other inner-city projects.

On motion of Councilmember Dages, seconded by President Duncan, duly carried, RESOLVED, the above entitled Joint Resolution No. 2006-21/1670 hereby adopted, and a contract awarded to Crown Contracting Company, Inc., of Clovis in the amount of \$366,365 for the project, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
 Noes : None
 Absent : None

The joint bodies adjourned their meeting at 3:53 p.m. and the City Council reconvened in regular session at 3:54 p.m.

(3:30 P.M.) WORKSHOP ON VIDEO POLICING - PRESIDENT DUNCAN

President Duncan advised the police department was currently evaluating a video policing program, acknowledged there would be some controversy and stated he scheduled the matter so Council and the public could get as much information as possible on the direction the department was headed, and clarified this was a workshop only and public input would occur later when a more formal program is presented to Council. **(8 - 0)** Chief Dyer concurred it was important to get this issue out to the community as early as

possible, advised video policing was an initiative from the mayor's office, noted Capt. Maroney, who was appointed project manager and would be giving the presentation, was selected for this program as he recently completed his command college project on video policing which entailed about eighteen months of research, stated video policing has been around for many years across the country and has been used by the department to fight graffiti (graffiti van) and in this year's "Christmas Presence" at shopping malls, and spoke briefly to the benefits of video policing.

Capt. Maroney gave a PowerPoint presentation on the concept of video policing which included other cities nationwide and statewide who utilize video policing/system description/technical considerations/present goals/project phases/display of photos showing cameras at various location, and concluded stating cameras were already with us, video policing was needed to provide a greater avenue of protection for the citizens of our community, and spoke to keys for successful implementation.

147-13

1/10/06

Discussion ensued with Assistant City Manager Ruiz, Chief Assistant City Attorney Sanchez, Chief Dyer and Capt. Maroney responding at length to numerous questions and/or comments of Councilmembers Calhoun, Dages, Sterling, Perea, Boyajian, Westerlund and President Duncan relative to the traffic operation center (TOC) as the monitoring site and insufficient staff, camera cost, the use of NNLB funds to fund some cameras and if that was an appropriate use, concern with Big Brother watching, abuses and what safeguards will be in place, cost for implementation, concern with using NNLB funds to purchase cameras, need to protect District 3 projects, support for cameras in certain places, possible improper use by some camera operators, community outreach/education, how neighborhood input will be obtained, if neighborhood meetings will occur, where cameras would be placed in the Tower District, if video policing and the police helicopter had the same principal, how long videos would be kept, if staff talked with the city attorney's office relative to prosecuting people, storage capacity, camera vandalism and maintenance, cost for the cameras and implementation and if staff will be aggressive with grants, inappropriateness of using NNLB funds/not the purpose of the bonding, if signals would be protected, staff encouraged to make cameras available on the internet/to the media/as wireless as possible, need to look into homeowner association interest/paying for cameras, and if department staff will be available to address this issue at district/neighborhood meetings. President Duncan thanked Chief Dyer and Capt. Maroney for the presentation and also thanked the media for covering the issue and requested they continue to do so as this important program is developed. There was no further discussion.

(2:00 P.M. #2) CLOSED SESSION:

(B) CONFERENCE WITH LABOR NEGOTIATOR - PRESIDENT DUNCAN

CITY NEGOTIATOR: KENNETH PHILLIPS

EMPLOYEE ORGANIZATION: FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT UNIT)

Removed from the agenda by President Duncan who advised his concerns had been addressed.

(C) CONFERENCE WITH LEGAL COUNSEL/ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CONSTRUCTION DEVELOPMENT SYSTEMS V. CITY OF FRESNO

(9 - 0) John Grisman, owner of Construction Development Systems, stated they performed a lot of the work for NNLB #2 contract and requested Council's assistance in getting paid for work performed so they can finish the project and further elaborated. Councilmember Sterling responded advised information was received, the matter would be discussed, and his request would be taken under consideration.

(A) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAMES:

- 1. MEDICAL ADVOCATES FOR HEALTHY AIR, ET AL. V. COF, ET AL. (FANCHER CREEK PROPERTIES, ET AL., REAL PARTIES INTEREST)**
- 2. CALTRANS V. COF (SPALDING WATHEN, REAL PARTY IN INTEREST)**
- 3. BARBARA CHOOKASEZIAN, ET AL. V. COF**

The City Council met in closed session in Room 2125 at the hour of 4:50 p.m. to consider the Items "C" and "A" and reconvened in regular open session at 6:07 p.m.

(4:00 P.M.) CONTINUED DELIBERATIONS ON REZONE APPLICATION NO. R-05-43, APPEAL OF VESTING TENTATIVE TRACT MAP NO. 5456/UGM, AND ENVIRONMENTAL FINDINGS, FILED BY PROVOST AND PRITCHARD ENGINEERING ON BEHALF OF LAGUNA LAKESIDE, LLC, PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. MADISON AND S. VALENTINE AVENUES (PUBLIC TESTIMONY CLOSED)

1. CONSIDER AND ADOPT E.A. NO. R-05-43/T-5456, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. **RESOLUTION NO. 2006-22** - DENYING THE APPEAL AND APPROVING VESTING T.T. MAP NO. 5456/UGM
3. RESOLUTION - UPHOLDING THE APPEAL AND DENYING VESTING T.T. MAP NO. 5456/UGM (*Not adopted*)
4. **BILL NO. B-2 - ORDINANCE NO. 2006-2** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM

President Duncan announced the time had arrived for Council deliberations only, advised public testimony was closed at the last hearing, and gave a brief overview of the background of the issue.

147-14

1/10/06

Councilmember Sterling confirmed minutes showed the public hearing/testimony was officially closed December 13th and because public testimony was not going to be reopened brought up all the issues and concerns raised by those in opposition, which included the Running Horse project, noticing requirements for this project/who was noticed, water issues/adverse impacts to the area, density issues/what is allowed/required, quality/price of homes, if an EIR was conducted, infrastructure improvements to be made, the landscape buffer, elimination of a proposed road, school impacts, offer of a new fire station, open space requested and agreed to, urbanization of surrounding agricultural area, developer's agreement to be a good neighbor, the block wall, water testing results, lot and home sizes, annexation, and sewer and water hook-up, with Planning & Development Director Yovino and developer representative Dirk Poeschel responding throughout. Councilmember Sterling stated it was too bad some people did not have faith in her, in the area planning committee, in staff, and in the planning commission, **(10 - 0)** and stated this was an excellent project and the type of development she looked forward to and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Westerlund.

Councilmember Boyajian thanked the developer and Mr. Poeschel for submitting the traffic studies, stated he had a problem with the process and expressed his concerns with lack of EIRs, area impacts, developments not paying their way, and future projects, and presented questions relative to who would pay for traffic signal needs, if Mr. Mitchell attended community meetings, if Mr. Mitchell's needs/concerns were answered, what his concerns were, if the developer would be constructing infrastructure improvements, and if a home and a stable on Valentine Avenue would be staying, with Mr. Yovino, Mr. Mitchell and Mr. Poeschel responding throughout. Councilmember Boyajian concurred this was a good project but reiterated his concern was the lack of an EIR to show project ramifications.

Councilmember Calhoun stated a lot of issues/concerns seemed to come up "out of the blue" which caught Council by surprise and questioned if staff was aware of an extremely inflammatory fax with Running Horse on the heading opposing this project and hiring a firm to incite neighbors, with Mr. Yovino stating it was his understanding the letter was prepared by area neighbors who sent it to Running Horse who in turn sent it to his department to inform staff. Councilmember Calhoun spoke to the process and Council's desire to bring good things to southwest Fresno and encouraged anyone to prove to him that Running Horse was not involved in that fax or in hiring a firm to stir things up, with Mr. Yovino stating Running Horse developer Tom O'Meara stated to him that he supported this project and that both projects complimented each other.

President Dages commended Councilmember Sterling for her extraordinary work in working through all the issues and stated this was a great project and thanked the developer for believing in west Fresno.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-43/T-5456 dated October 19, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved; the above entitled Resolution No. 2006-22 denying the appeal and approving Vesting Tentative Tract Map No. 5456/UGM, which has been revised to propose subdividing the property into a 210 single family residential lot subdivision, an 0.84-acre outlot for open space purposes and a 4.25 acre remainder parcel, and the revised Conditions of Approval dated January 10, 2006, hereby adopted; and the above entitled Bill No. B-2 rezoning the project site adopted as Ordinance No. 2006-2, by the following vote:

Ayes :	Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	Boyajian
Absent :	None

President Duncan announced the 5:30 pm. Hearing and before starting the hearing the following action was taken.

(2-D) CONSIDER APPROVAL OF CONTRACT CHANGE ORDER NO. 5 FOR THE "NO NEIGHBORHOOD LEFT BEHIND" (NNLB) PLAN AND CONSTRUCT NEIGHBORHOOD INFRASTRUCTURE, CONTRACT 2

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above Item **2-D** tabled to January 24, 2006, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

147-15

1/10/06

(5:30 P.M.) HEARING TO CONSIDER DESIGNATING BUILDING 8, THE FORMER RETAIL SHED OF THE SUGAR PINE LUMBER COMPANY AT 7435 N. INGRAM AVENUE TO THE LOCAL REGISTER OF HISTORIC RESOURCES (PINEDALE ASSEMBLY CENTER SITE/STATE HISTORICAL LANDMARK NO. 934, CAMP PINEDALE)

1. RESOLUTION - DESIGNATING BUILDING 8 TO THE LOCAL REGISTER OF HISTORIC RESOURCES

President Duncan announced the time had arrived to consider the issue and opened the hearing. Historic Preservation Project Manager Hattersley-Drayton gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and advised the Historic Preservation Commission was recommending the above resolution be adopted.

Al Solis, Sol Development Associates, representing property owner Granum Partners, submitted material/photos into the record, on file in the office of the city clerk, spoke briefly to the building and advised his client preferred the building not be designated to the historic register, requested Council continue this hearing to allow the involved parties to find a design for a mutually acceptable memorial adding there were a lot of things to consider and work out and explained, and requested the hearing be continued to February 28, 2006.

Speaking to the issue and/or in support of the continuance were: Dale Ikeda, 8812 N. Colfax, Chair, Pinedale Assembly Center Memorial Project Committee, who also submitted written documents/material and a DVD into the record **(11 - 0)**; Dave Rodriguez, representing the Pinedale community; Saburo Masada, 2089 E. Shea, who read a written statement into the record; Bruce Odom, representing the Fresno Historical Society, who read a statement into the record from the Historical Society endorsing the concept of a memorial; and Gary Malasian, 2727 W. Bluff, who stated he was opposed the building being torn down .

Upon call, no one else wished to be heard. President Duncan stated he would not close the public testimony portion of the hearing and would leave it open in case anyone that was passed over needed to speak on February 28th.

Councilmember Calhoun thanked everyone involved and those in attendance, commented on the issue at length and stated the question was how this would be handled and how it could be made to work for everyone, stated he felt everyone was working for the common good and he felt it was in the best interest to keep talking as long as progress is being made, and stated he was hearing both sides were willing to continue the process and made a motion to continue the hearing as requested. Councilmember Dages stated he wanted to see this worked out and emphasized there would be a memorial, and stated he agreed with Mr. Saito's proposed drawing of the memorial. President Duncan stated he concurred 100% and he looked forward to a wonderful and appropriate memorial. Councilmember Boyajian commented on the treatment and struggles Americans of Japanese descent went through and expressed his support for a memorial.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the subject hearing continued to February 28, 2006, at 5:30 p.m., by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

(3-B) DISCUSS AND CONSIDER FUNDING FOR THE PUBLIC WORKS DEPARTMENT GEO-BASED TREE TRIMMING

PROGRAM - COUNCILMEMBER WESTERLUND

- 1. RESOLUTION - 53RD AMENDMENT TO AAR 2005-286 APPROPRIATING \$200,000 TO RESTORE AND PROVIDE ADDITIONAL FUNDING TO FURTHER THE PROGRAM FOR THE CURRENT FISCAL YEAR
- 2. RESOLUTION - 55TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$148,400 TO RESTORE FUNDING TO FURTHER THE PROGRAM FOR THE CURRENT FISCAL YEAR

- and -

(3-C) ADOPT A NEW CITY STANDARD AND SPECIFICATION REQUIRING ALL SIDEWALKS BE A MINIMUM OF SIX (6) FEET WIDE FOR CONSTRUCTION OF NEW DEVELOPMENT ON MAJOR STREETS - COUNCILMEMBER WESTERLUND

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above Items 3-B and 3-C laid over to January 24, 2006, by the following vote:

147-16

1/10/06

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:06 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the 24th day of January, 2006.

_____/s/_____
Jerry Duncan, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

147-17

1/10/06